



UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

JUN 19 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

V. Randall Tinsley, Esquire
Brooks, Pierce, McLendon, Humphrey
and Leonard, L.L.P.
2000 Renaissance Plaza, 230 North Elm Street
Greensboro, North Carolina 27420

Dear Mr. Tinsley:

On behalf of Texasgulf, Inc. (Appellant), you filed a notice of appeal with the Secretary of Commerce. The appeal was filed pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 et seq., and the Department of Commerce's implementing regulations, 15 C.F.R. Part 930, Subpart H. The appeal is taken from an objection by the State of North Carolina Department of Environment, Health and Natural Resources (State) to the Appellant's proposal to expand its phosphate mining operations in Beaufort County, North Carolina.

Since the filing of this appeal, the State and the Appellant have reached an agreement to resolve the issues in dispute through the State's acceptance of an alternative development plan that should make the activity consistent with the State's Coastal Zone Management Program. Accordingly, the Appellant has requested that the appeal be dismissed. The State concurs with that request.

The appeal is hereby dismissed. This is a final agency action for purposes of judicial review.

Sincerely,

Diana H. Josephson

cc: Roger N. Schecter, Director,
N.C. Div. of Coastal Management
Amy Gillespie, N.C. Dept. of Justice
Colonel Robert J. Sperberg
District Engineer, Corps





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Mr. Roger N. Schechter
Director, Division of Coastal Management
State of North Carolina, Department of
Environment, Health and Natural Resources
Raleigh, North Carolina 27611-7687

Dear Mr. Schechter:

Texasgulf, Inc. (Appellant) filed with the Secretary of Commerce a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 et seq., and the Department of Commerce's implementing regulations, 15 C.F.R. Part 930, Subpart H. The appeal is taken from an objection by the State of North Carolina Department of Environment, Health and Natural Resources (State) to the Appellant's proposal to expand its phosphate mining operations in Beaufort County, North Carolina.

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Diana H. Josephson

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